

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
(Greenbelt Division)

In re:	:	
	:	
GEORGE T. WELBORNE, JR. and	:	Case No. 08-1-1979-PM
SHAUNTE M. WELBORNE,	:	Chapter 13
Debtors.	:	
	:	

**TRUSTEE'S MOTION TO DISMISS THE CASE  
UNLESS THE DEBTORS MODIFY THE PLAN**

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Timothy P. Branigan, Chapter 13 trustee in the above-captioned case ("Trustee"), pursuant to section 1307(c) of the Bankruptcy Code and Bankruptcy Rule 1017(f), requests the Court to dismiss the case if the Debtors do not modify the plan to cure an underfunding. The plan provides that unsecured creditors shall be paid in full through the plan. Unsecured creditors have filed proofs of claims in the aggregate amount of \$51,483.59. As a result, the plan is underfunded. If the Debtors do not modify the plan to cure the underfunding, cause will exist to dismiss the case as the result of an unreasonable delay that is prejudicial to creditors.

WHEREFORE, the Trustee prays that the Court dismiss the case if the Debtors fail to modify the plan.

Respectfully submitted,

April 9, 2010

/s/ Timothy P. Branigan  
Timothy P. Branigan (Fed. Bar No. 06295)  
Chapter 13 Trustee  
P.O. Box 1902  
Laurel, Maryland 20725-1902  
(301) 483-9118  
cmecf@chapter13maryland.com

**PLEASE TAKE NOTICE** that a response must be filed to this notice within 21 days from the date of service below. If a response is not filed, the case may be dismissed. The Court may hold a hearing, or not, within its discretion.

**Certificate of Service**

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I hereby certify that, to the extent that the following persons were not served electronically via the CM/ECF system, I caused a copy of the foregoing to be sent on April 12, 2010 by first-class U.S. mail, postage prepaid to:

George T. & Shaunte M. Welborne  
110 Camellia Creek Drive  
Richards, NC 28574

Adam M. Freiman, Esquire  
1777 Reisterstown Road, Suite 360 E  
Baltimore, MD 21208

\s\ Timothy P. Branigan

Timothy P. Branigan (Fed. Bar No. 06295)